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**THE HONORABLE BRIAN D. LYNCH
CHAPTER 13**

HEARING DATE: October 18, 2017

HEARING TIME: 1:30 P.M.

LOCATION: Tacoma, Washington

RESPONSE DATE: October 11, 2017

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

STEPHEN JON CAREAGA
LISA ANN CAREAGA,

Debtor(s)

Case No.: 17-42850-BDL

RESPONSE TO DEBTORS' MOTION TO
CONFIRM AMENDED PLAN AND OBJECTION
TO CONFIRMATION

COMES NOW, Michael G. Malaier, Standing Chapter 13 Trustee and hereby responds
to the Debtors' Motion to Confirm Amended Plan as follows:

BACKGROUND

Debtor(s) filed this Chapter 13 case on July 27, 2017. The applicable commitment period
is thirty-six months. The case is currently in the second month and the Meeting of Creditors has
not yet been completed. The bar date for filing non-governmental claims is November 22, 2017.
Scheduled unsecured claims total \$11,589.00. The Trustee estimates that under the proposed
plan general unsecured creditors will receive approximately \$0.00.

RESPONSE/OBJECTION TO CONFIRMATION

- 1

Michael G. Malaier
Chapter 13 Standing Trustee
1551 Broadway, Suite 600
Tacoma, WA 98402
(253) 572-6600

RESPONSE

☒ Plan is not feasible: Plan is not adequately funded to pay all required secured claims, priority claims, and administrative expenses within sixty months. *See* attached declaration. In addition, debtor is approximately one month behind on his current plan payments. *Id.*

☐ Plan is not proposed in good faith or is forbidden by law:

☐ Plan fails to commit all excess disposable income for the applicable commitment period as required by 11 U.S.C. § 1325(b)(1)(B):

☐ Plan does not meet the best interests of creditors test as required by 11 U.S.C. § 1325(a)(4):

☐ Schedules or other documentation insufficient:

☒ Other:

(1) Debtors must provide bank statements that cover the date of filing for the USAA, Chase, and Coinbase Crypto Currency accounts that cover the date of filing.

(2) Trustee requires evidence of Debtors' earnings since the filing of this case.

WHEREFORE, Trustee requests that the objection to confirmation be sustained Debtors' Motion to Confirm Amended Plan be Denied, and Debtor be ordered to file a motion to confirm a plan resolving the issues raised herein within 14 days of entry of this Order; and to set the hearing on the next available motion calendar after the 14 days expires. If the Motion to Confirm resolving the Trustee's issues is not filed and set for hearing as outlined above, the Trustee requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

DATED this 5th day of October, 2017.

/s/ Matthew J.P. Johnson

Matthew J.P. Johnson, WSBA# 40476 for
Michael G. Malaier, Chapter 13 Trustee

Michael G. Malaier
Chapter 13 Standing Trustee
1551 Broadway, Suite 600
Tacoma, WA 98402
(253) 572-6600

RESPONSE/OBJECTION TO CONFIRMATION